

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4862 of 1989

with

SPECIAL CIVIL APPLICATION NO. 5341 OF 1989

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

JAGDISHCHANDRA T DESAI

Versus

STATE OF GUJARAT

Appearance: S.C.A.NO.4862/89.

MR BN PATEL for Petitioner

NOTICE SERVED for Respondent No. 1, 3

GOVERNMENT PLEADER for Respondent No. 2

Appearance: S.C.A. NO.5341/89.

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 16/07/1999

ORAL JUDGEMENT

Ld. advocate Mr. BN Patel for the petitioner in these two petitions has stated that the retirement benefits claimed in the petitions have been paid pending the proceedings except the interest on the delayed payment. No further relief is required. Ld.Asst.Govt.Pleader Mr. Bukhari appearing for the respondent and he has fairly stated that reasonable rate of interest may be granted on the delayed payment if any.

After having considering the facts and circumstances and the relevant decisions of this court and the Hon'ble Apex Court, the respondents are directed to pay the interest at the rate of 12% on the delayed payment as per the entitlement from the due date till the payment is made, within a period of 3 months from the date of receipt of the writ.

Ld. advocate Mr. patel has stated that, in case of difficulties, as the other side has been unable to confirm it, the liberty may be reserved.

In view of the aforesaid directions, both these petitions shall stand disposed of. Rule partly allowed. Rule made absolute.

sanjay.
